Division Bench

(5)

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**

**CHHATTISGARH**

**W.P. NO.** 3340 **/06 (PIL)**

**PETITIONER**

1. Barfani Academia, Bilaspur A society registered under the Chhattisgarh Society Registry Karan Adhiniyam , 1973 with registered office at-Hari Krishan Colony Tarbahar Bilaspur, Through: Its Secretary Shri Shailendra Dubey, Aged about – 45 years, S/o – Shri L.P. Dubey, R/o – Hari Krishna Colony, Tarbahar, Bilaspur (C.G.)

2. Rahul Parik S/o Shri M.L.Parik, Aged about- 18 years, R/o Vaishali Nagar, Marimai Road, Gitanjali Colony, Bilaspur (C.G.)

3. Amit Goswami S/o Shri M.B. Goswami, Aged about 19 years, R/o Vinoba Nagar, Bilaspur District-Bilaspur (C.G.)

P.R. No. 3441/06 Presented by Shri ... dated 6/7/06

Received Copy for U.O.I 6/7/06

RECEIVED-COPY BILASPUR 6/7/06

CLERK to A. G.

**VERSUS**

**RESPONDENTS**

1. Union of India Through the Secretary Ministry of Health and Family Welfare (Department of Health) PMS Section Nirman Bhawan, Maulana Azad Road, New Delhi – 110011.

COMMISSIONER PARNA MALVIYA ... Chhattisgarh

(2)
(6)

2. Dental Council of India (constituted under the Dentist Act,, 1948) Aiwan-a-Galib Marg Kotla Road, New Delhi 110002.

3. State of Chhattisgarh Thtough the Secretary, Department of Health and Family Welfare, DKS Bhawan, Mantralaya, Raipur, Chhattisgarh

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA**

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** W.P.(C) No. 3348 **/सन् 2006**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**DIVISION BENCH :**
**HON'BLE SHRI DHIRENDRA MISHRA, J**
**& HON'BLE SHRI SATISH AGNIHOTRI, J.**

**13.07.2006**

Shri Kanak Tiwari, learned Sr. Advocate with Shri Prateek Sharma, learned counsel for the petitioners.

Shri Thakur Vijay Singh, Asstt,. Solicitor General of India, for respondent No.1/Union of India.

Shri Raghavendra Pradhan, learned Central Government Standing Counsel for respondent No.2/Dental Council of India.

Shri U.N.S.Deo, learned Govt. Advocate for the State/respondent No.3.

Heard.

Learned counsel for the petitioners submit that on 12.07.2006 four affidavits have been filed on behalf of the petitioners. They are taken on record.

Reply on behalf of the respondent No.2 which was filed today, is taken on record.

On 12.07.2006 the matter was adjourned on the prayer of the respondent No.1 that he shall be seeking instructions. However, counsel for the respondent No.1 submits that till date he has no instructions.

Shri Kanak Tiwari, learned Sr. Advocate with Shri Prateek Sharma, counsel appearing for the petitioners submit that the Union of India/respondent No.1 is under an obligation to decide the application of the petitioners for permission to establish new College latest by 15th of July 2006.

However, no decision has been taken as yet as per notification dated 16th of January 2006 by the Union of India and therefore ends of

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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**मामला क्रमांक** ....W.P.No.3340/ **सन्** 2006

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

justice will be served if the petition is disposed of with a direction to the respondent No.1 to decide the application for grant of permission to establish a new Dental College i.e. New Horizon Dental College & Research Institute, Bilaspur within the stipulated period after considering the report of the Dental Council of India submitted as per Clause 22 of "Establishment of New Dental Colleges, Opening of New or Higher Course of Study or Training and Increase of Admission Capacity in Dental Colleges" Regulations, 2006 and after considering its representation dated 30.06.2006 and also after considering the grievances raised by the petitioners in this petition along with the reply of respondent No.2.

The prayer is not opposed by the counsel for the respondents.

In view of the above, the instant petition is disposed of with a direction to respondent No.1 to take decision on the application of the petitioners as per the notification dated 16th January 2006 issued by the Dental Council of India considering the report, representation dated 30.06.2006 of the petitioner and all the grievances in this petition in accordance with law.

Liberty is reserved to the petitioners to file the petition afresh in case a cause of action survives.

Counsel for the petitioners undertakes to serve a copy of the petition along with the annexures and reply filed by the respondent No. 2 to supply to respondent No.1 at Delhi by tomorrow i.e. 14.07.2006 within office hours and further they are directed to send a copy of the same as stated above through Fax and E-mail to the concerned Officer of respondent No.1.

Certified copy today.

Sd/-
Dhirendra Mishara
Judge

Sd/-
Satish K. Agnihotri
Judge